

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

**KRISTIN M. MANNING,**

**Plaintiff,**

**v.**

**5:09-CV-88  
(FJS/VEB)**

**MICHAEL J. ASTRUE, Commissioner of  
Social Security,**

**Defendant.**

---

**APPEARANCES**

**OLINSKY & SHURTLIFF**  
300 South State Street, 5th Floor  
Syracuse, New York 13202  
Attorneys for Plaintiff

**SOCIAL SECURITY ADMINISTRATION  
OFFICE OF REGIONAL GENERAL  
COUNSEL, REGION II**  
26 Federal Plaza – Room 3904  
New York, New York 10278  
Attorneys for Defendant

**SCULLIN, Senior Judge**

**OF COUNSEL**

**HOWARD OLINSKY, ESQ.**

**KAREN G. FISZER, ESQ.  
MICHELLE L. CHRIST, ESQ.**

**ORDER**

Plaintiff brought this action pursuant to 42 U.S.C. § 405(g), seeking review of Defendant's decision denying her benefits under the Social Security Act. *See* Dkt. No. 1. Plaintiff also moved for judgment on the pleadings. *See* Dkt. No. 12. Defendant filed an answer, *see* Dkt. No. 10, and filed a motion for judgment on the pleadings, *see* Dkt. No. 13. In a Report and Recommendation dated April 30, 2010, Magistrate Judge Bianchini recommended that this Court grant Plaintiff's motion, deny Defendant's motion, and remand this matter for further

administrative proceedings. *See* Dkt. No. 15 at 2-3. The parties did not file any objections to these recommendations.

Having reviewed the entire record in this matter, Magistrate Judge Bianchini's April 30, 2010 Report and Recommendation, and the applicable law, the Court hereby

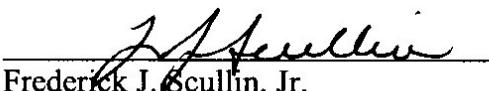
**ORDERS** that Magistrate Judge Bianchini's April 30, 2010 Report and Recommendation is **ADOPTED** in its entirety; and the Court further

**ORDERS** that, for the reasons stated in Magistrate Judge Bianchini's April 30, 2010 Report and Recommendation, Plaintiff's motion for judgment on the pleadings is **GRANTED**; Defendant's motion for judgment on the pleadings is **DENIED**; and this matter is **REMANDED** to Defendant pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with Magistrate Judge Bianchini's April 30, 2010 Report and Recommendation; and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment and close this case.

**IT IS SO ORDERED.**

Dated: May 31, 2010  
Syracuse, New York

  
\_\_\_\_\_  
Frederick J. Scullin, Jr.  
Senior United States District Court Judge